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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,696	12/19/2000	Robert Callaghan	00 P 7532 US 01	9143

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Siemens Corporation
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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,696

Applicant(s)

CALLAGHAN ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
(<u>✓</u>) Paper No(s)/Mail Date <u>1/20/04 & 1/22/04 (H.P. 1/2/04)</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 7/9/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-16 is maintained.

Applicant argues (1) combined teachings of Gudjonsson et. al. 6,564, 261 (Hereinafter Gudjonsson) in view of Draginich et. al. 6,560,329 (Hereafter Draginich) and Coulouris et. al. Distributed Systems Concepts and Design, Second edition, 1994, pages 34-38 (Hereinafter Coulouris), do not disclose, “a telecommunications system including a telephony Internet server. A dispatcher is provided for delivering messages between dispatcher clients, i.e., software subsystems in the same process, a different process, or on a different machine, that need updates, etc. The dispatcher manages a pool of threads to balance the workload. The dispatcher can process both synchronous and asynchronous messages by dispatching the message to all registered subsystems in order of their registered priority. Subsystems register for receiving predetermined messages. The dispatcher maintains a database of their destinations. The dispatcher itself needs to have no knowledge of the contents of messages that are to be sent; and, the sender software subsystems need have no knowledge of the corresponding destinations”. The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “a telecommunications system including a telephony Internet server. A dispatcher is provided for delivering messages between dispatcher clients, i.e., software subsystems in the same process, a

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different process, or on a different machine, that need updates, etc. The dispatcher manages a pool of threads to balance the workload. The dispatcher can process both synchronous and asynchronous messages by dispatching the message to all registered subsystems in order of their registered priority. Subsystems register for receiving predetermined messages. The dispatcher maintains a database of their destinations. The dispatcher itself needs to have no knowledge of the contents of messages that are to be sent; and, the sender software subsystems need have no knowledge of the corresponding destinations” is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above. The claims are open-ended (comprising). Also, page 11, lines 1-5, clearly states, “The invention described in the above detailed description is not intended to be limited to the specific form set forth herein, but is intended to cover such alternatives, modifications and equivalents as can reasonably be included within the spirit and scope of the appended claims”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore the rejection is maintained as disclosed above.

Applicant argues (2) combined teachings of Gudjonsson, Draginich and Coulouris, do not disclose, “adding software features to software subsystems”. The examiner disagrees in response to applicant's arguments. Gudjonsson teaches adding software features (e.g., additional features supported by load balancing service, device handlers, routing service, contact list service, figure 13), to software subsystems (i.e., routing service receiving user requests and dispatching to the registered device handlers to handle the requests, figure 13, col., 17, line 1 – col., 18, line 13).

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The claims are open-ended (comprising). Also, page 11, lines 1-5, clearly states, "The invention described in the above detailed description is not intended to be limited to the specific form set forth herein, but is intended to cover such alternatives, modifications and equivalents as can reasonably be included within the spirit and scope of the appended claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore the rejection is maintained as disclosed above.

Applicant argues (3) combined teachings of Gudjonsson, Draginich, Coulouris and Elliott et. al. 6,335,927 (Hereinafter Elliott) do not disclose, "updating a software subsystem". The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "updating a software subsystem", is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above. The claims are open-ended (comprising). Also, page 11, lines 1-5, clearly states, "The invention described in the above detailed description is not intended to be limited to the specific form set forth herein, but is intended to cover such alternatives, modifications and equivalents as can reasonably be included within the spirit and scope of the appended claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore the rejection is maintained as disclosed above.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 7 and 12-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et. al. 6,564, 261 (Hereinafter Gudjonsson) in view of Draginich et. al. 6,560,329 (Hereafter Draginich) and Coulouris et. al. Distributed Systems Concepts and Design, Second edition, 1994, pages 34-38 (Hereinafter Coulouris).

5. As per claims 1, 6, 7 and 12-16, Gudjonsson teaches the following:

a system comprising, a method comprising,
dispatcher adapted to receive and dispatch one or more messages for adding software features (e.g., additional features supported by load balancing service, device handlers, routing service, contact list service, figure 13), to one or more software subsystems (i.e., routing service receiving user requests and dispatching to the registered device handlers to handle the requests, figure 13, col., 17, line 1 – col., 18, line 13),

a software dispatcher (i.e., routing service, figure 13) in a telephony internet server (e.g., figure 13), the software dispatcher configured to add software system application features (e.g., features supported by load balancing service, device handlers, routing service, contact list service, figure 13), associated with a private branch exchange and a packet network (e.g., features supported over the network, figure 13), and adapted to maintain a list of message receivers (e.g., contact list, registered device handlers and users, load balancing service, figure 13), said list comprising a list of integers, subsystem provide a dispatcher with an identification

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of a message to be delivered (e.g., UserID, figure 18(a)) identifying which receivers are to receive particular messages, dispatcher identifies a destination (e.g., identifying of the users to receive the messages through the device handlers, col., 17, line 1 – col., 18, line 13),

the dispatcher identifying and distributing the messages by unique integer and node (e.g., user identification and mapping, unique per CID, figure 12(b), database (13) containing device handler identification related to a user node for load balancing, figure 13, col., 17, line 1 – col., 18, line 13),

a plurality of message receivers (e.g., users through device handlers, col., 17, line 1 – col., 18, line 13), said message receivers adapted to identify to said software dispatcher particular messages for receiving, registered receivers (e.g., a device handler is installed that accepts text pages, looks up the receiver's mobile number and then sends all the relevant information to some standard paging gateway, such as an SMS gateway. Alternatively, a device handler may enable phone calls, col., 17, line 1 – col., 18, line 13),

receivers registering to receive predetermined messages with said dispatcher (e.g., to dispatch text pages to the mobile cellular telecommunications network, a device handler is installed that accepts text pages, looks up the receiver's mobile number and then sends all the relevant information to some standard paging gateway, such as an SMS gateway. Alternatively, a device handler may enables phone calls, col., 17, line 1 – col., 18, line 13),

the message receivers including one or more software applications (e.g., device handlers and their applications, col., 15, line 13 – col., 16, line 43),

Gudjonsson teaches that the server dispatching the messages can be anywhere on the network (e.g., a device handler is a communication endpoints to which the routing service can

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dispatch invitations. Device handlers are specifically used to interface with other networks, col., 2, line 52 – col., 3, line 20).

However, Gudjonsson does not specifically mention about the server coupled between a packet network and a private branch exchange.

Draginich teaches the following:

telecommunication system (telecom system, figure 2),

a private branch exchange (PBX, figure 2),

a server coupled between a packet network and a private branch exchange (e.g., call server and routing controller coupled to the private branch exchange, figure 2), the server adapted to interface the private branch exchange to a packet network (e.g., call server and routing controller coupled to the private branch exchange, figure 2), the server including a software dispatcher (i.e., The call server generates call information from the information from the caller and/or the call arrival data. The routing controller receives agent status data from the agent stations and the call information and selects an agent station from the call information and the agent status data. The routing controller causes the call server to direct the network to route the call to the selected agent station, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Draginich with the teachings of Gudjonsson in order to facilitate dispatching of messages to the registered devices on the network using a PBX exchange. A server would provide message conversion between protocols used by the PBX and the devices on a private network.

Gudjonsson teaches dispatching of messages that use synchronous and asynchronous communication mechanism (e.g., Unified messaging systems allow users to provide essentially one address for a variety of communication options, typically including phone calls, voice mailbox, fax, and e-mails, col., 2, line 52 – col., 3, line 20).

However, Draginich and Gudjonsson do not specifically mention about the synchronous and asynchronous messages sent to the receiver.

Coulouris teaches the following:

dispatching messages to the message receivers synchronously and asynchronously (e.g., the mechanism may be synchronous or blocking meaning that the sender waits after transmitting a message until the receiver has performed a receive operation or it may be asynchronous or non-blocking meaning that the message is placed in a queue of messages waiting for the receiver to accept them and the sending process can proceed immediately, page 34, line 15 – page 38, line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Draginich and Gudjonsson with the teachings of Coulouris in order to facilitate communication for the dispatcher to interact with the registered devices. The dispatcher can send the messages to the registered devices on the network using a synchronous or asynchronous mechanism depending on the type of messages it received.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson, Coulouris and Draginich in view of Elliott et. al. 6,335,927 (Hereinafter Elliott).

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7. As per claims 2, and 8, Gudjonsson, Coulouris and Draginich do not specifically mention about the details of claims 2 and 8.

Elliott teaches the following:

said software dispatcher is adapted to save asynchronous messages for later transmission in one or more logical message queues (e.g., Some examples of process to process software interfaces include function or subroutine calls, message queues, shared memory, direct memory access (DMA), and mailboxes, col., 58, line 1 – col., 59, line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gudjonsson, Coulouris and Draginich with the teachings of Elliott in order to facilitate usage of the available resources efficiently. Dispatcher can put the asynchronous message in the message queue and the device handler can handle the message whenever it is ready to process it.

8. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson, Coulouris and Draginich in view of Elliott.

9. As per claims 3 and 9, Gudjonsson, Coulouris and Draginich do not specifically mention about the details of claims 3 and 9.

Elliott teaches the following:

messages are dispatched in order of their priority (e.g., a priority routing technique to favor packets destined for specific network interfaces over packets destined for other network interfaces, col., 58, line 1 – col., 59, line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gudjonsson, Coulouris and Draginich with the teachings of Elliott in order to facilitate dispatching messages in the order of their importance. The messages that need to be processed immediately can be delivered to the device handler before the messages that can be processed later.

10. Claims 4-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson, Coulouris and Draginich in view of Elliott.

11. As per claims 4-5 and 10-11, Gudjonsson, Coulouris and Draginich do not specifically mention about the details of claims 4-5 and 10-11.

dispatching messages comprising dispatching messages as flexible message parameters comprising name, type, and value fields (e.g., Parameters, Name Description Cstring m_name name of the site, type The type of message, as defined in the Data Types, errCode, appendix, col., 275)

said value field can comprise another flexible message parameter (e.g., errCode, The error or warning code as defined in the application's resources, appendix, col., 275).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Draginich with the teachings of Neuman in order to facilitate the dispatcher to include name, type and a linking parameter in the message structure that is sent to the device handlers. The device handlers would process the message according to the parameter values of the message.

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Conclusion

In order to expedite the prosecution of this case, examiner directs the applicant to add the rationale of the invention, i.e., Telephony Internet Servers need to be able to dynamically add features and balance system workload between a packet network and PBX, page 1, lines 26-32.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

November 2, 2004

 **JOHN FOLLANSBEE**
SUPERVISORY PATENT EXAMINER
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